

REQUEST FOR COMMENTS/TSD ON STATE IMPLEMENTATION PLAN REVISIONS

JAS
wm

TO:

1 AIR PLANNING SECTION
1 TECHNICAL ANALYSIS SECTION
1 REGIONAL COUNSEL
1 STATE SPECIALIST
1 REGULATORY ANALYSIS SECTION
1 REGULATORY SPECIALIST
WRITER
OTHER

AIR COMPLIANCE BRANCH
ENVIRONMENTAL SERVICES DIV.
DIVISION DIRECTOR, AMD
BRANCH CHIEF, ARB
STATE COORDINATOR
1 DOCKET COPY mg FILE COPY
PIRU, CPDD, OGC, SSCD,
FOSD, OP&E, ECTD, OFR,
STATE

FROM: R Cono, REGULATORY SPECIALIST:DATE: 10-16-86, PHONE: 886-6035PLEASE REVIEW AND PROVIDE COMMENTS/TSD BY DUE DATE. IF YOU HAVE NO COMMENTS PLEASE CHECK
HERE AND RETURN: _____, DATE: _____

SUBMITTAL DESCRIPTION

DOCKET NO. AND TITLE: A2401 Docket B opacity R82-1STATE: X ILL, _____ IND, _____ MICH, _____ MINN, _____ OHIO, _____ WISC, _____ OTHERAREA: X STATEWIDE, _____ AREA SPECIFIC, _____ SITE SPECIFIC, _____ OTHER:TYPE OF SUBMITTAL: X PART D, _____ SITE SPECIFIC, _____ MISC.STATE OF DEVELOPMENT: X DRAFT, _____ FINAL, _____ OTHER:POLLUTANT: _____ O₃, _____ CO, X TSP, _____ SO₂, _____ VOC, _____ NO₂, _____ Pb, _____ OTHER:

SUBMITTED BY: _____, COVER LETTER DATE: _____, DATE RECEIVED: _____

RC/ACB/ESD/DUE DATE: _____

_____ TO PREPARE TSD BY _____ (DATE)

SPECIAL NOTE:

B7
10-16-86
ellnot a formal Submittal/
Proposed opacity Rule

TRANSMIT A COPY OF YOUR COMMENTS TO: GARY GULEZIAN
cc: UYLAIN MCMAHAN
AIR AND RADIATION
BRANCH
PHONE: 353-0396

CREATE RAS AND DOCKET FILES

SUBMIT ORIGINAL TO RAS FILES NO. 1L240 / DOCKET FILE NO. A240

ILLINOIS POLLUTION CONTROL BOARD
August 14, 1986

IN THE MATTER OF:)
)
PARTICULATE EMISSION LIMITATIONS,) R82-1 (Docket B)
RULE 203(g)(1) AND 202(b) OF)
CHAPTER 2)

PROPOSED RULE. THIRD FIRST NOTICE.

PROPOSED OPINION AND ORDER OF THE BOARD (by J. D. Dumelle):

On March 14, 1986, the Board adopted an Interim Order in R82-1 separating that proceeding into two dockets: Docket A: Particulates and Docket B: Opacity. At that time the Board intended to proceed to second notice on the particulate rules while further considering the opacity rules. However, the Joint Committee on Administrative Rules (JCAR) refused to allow the Board to proceed in that manner. Therefore, on May 9, 1986, the Board adopted a Fourth Second Notice order including both the opacity and the particulate rules.

Second notice was received by JCAR on May 16, 1986, and was considered by JCAR on June 23, 1986, at which time it objected to each of the opacity rules but none of the particulate rules. In response the Board determined that it would withdraw the opacity rules but proceed to adopt and file the particulate rules. The Board adopted a Resolution and Order to that effect on July 2, 1986, and indicated that a new first notice order would be adopted concerning the opacity rules in the near future under Docket B. This is that notice.

Several issues remain following the Fourth Second Notice Order based upon comments which have been received by the Board. These include the following:

Whether "Reasonable Time" should be defined in Section 212.124(c) [now renumbered as subsection (d)]. This has been suggested by Commonwealth Edison, the United States Environmental Protection Agency (USEPA) and JCAR, but opposed by the Illinois Environmental Protection Agency. It was considered at hearing but the Board has found it difficult to fashion appropriate language.

Whether "Similar Operating Conditions" should be defined in that same section. USEPA and JCAR also recommend this while the Agency opposes it. Again, the Board has been unable to fashion appropriate language despite hearing testimony on this issue.

ORDER

The Board hereby proposes the following amendments for first notice:

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS FOR
STATIONARY SOURCES
PART 212: VISUAL AND PARTICULATE MATTER EMISSIONS
SUBPART B: VISUAL EMISSIONS

Section 212.121 Opacity Standards

For the purposes of this Subpart, all visual emission opacity standards and limitations shall be considered equivalent to corresponding Ringelmann Chart readings, as described under the definition of opacity (35 Ill. Adm. Code 211.122).

(Board Note: This Subpart as it applies to sources regulated by Subpart E has been ruled invalid by the Illinois Supreme Court, *Celotex v. IPCB et al.*, 68 Ill. Dec. 108, 445 NE2d 752.)

Section 212.123 Limitations for All Other Sources

- a) No person shall cause or allow the emission of smoke or other particulate matter, ~~from any other emission source into the atmosphere of with~~ an opacity greater than 30 percent, into the atmosphere from any emission source other than those sources subject to Section 212.122.
- b) Exception: The emission of smoke or other particulate matter from any such emission source may have an opacity greater than 30 percent but not greater than 60 percent for a period or periods aggregating 8 minutes in any 60 minute period provided that such more opaque emissions permitted during any 60 minute period shall occur from only one such emission source located within a 305 m (1000 ft) radius from the center point of any other such emission source owned or operated by such person, and provided further that such more opaque emissions permitted from each such emission source shall be limited to 3 times in any 24 hour period.

Section 212.124 Exceptions

- a) Startup. Sections 212.122 and 212.123 shall apply during times of startup except as provided in the operating permit in 35 Ill. Adm. Code 201.

exceed the otherwise applicable standards. Such adjusted opacity limitations:

- 1) Shall be specified as a condition in operating permits issued pursuant to 35 Ill. Adm. Code 201;
 - 2) Shall substitute for that limitation otherwise applicable;
 - 3) Shall not allow an opacity greater than 60 percent at any time; and
 - 4) Shall allow opacity for one six-minute averaging period in any 60 minute period to exceed the adjusted opacity standard.
- b) For the purpose of establishing an adjusted opacity standard, any owner or operator of an emission source which meets the requirements of subsection (a), above, may request the Agency to determine the average opacity of the emissions from the emission source during any performance test(s) conducted pursuant to Section 212.110. The Agency may refuse to accept the results of emissions tests conducted pursuant to this Section which are conducted without prior review and approval of the test specifications and procedures by the Agency.
- c) Any request for the determination of the average opacity of emissions shall be made in writing, including all test specifications and procedures, and submitted to the Agency at least thirty days before the proposed test date.
- d) The Agency will advise the owner or operator of an emission source which has requested an opacity determination of any deficiencies in the proposed test specifications and procedures as expeditiously as practicable but no later than 20 days prior to the proposed test date so as to minimize any disruption of the proposed testing schedule.
- e) The owner or operator shall give written notice to the Agency of the time and place of the performance test at least 10 days prior to the date of that test and shall allow Agency personnel to be present during that test.
- f) The method for determining an adjusted opacity standard is as follows:
- 1) A minimum of 60 consecutive minutes of opacity readings obtained in accordance with USEPA Test

the Agency or singly. Ten copies of such petition shall be filed with the Clerk of the Board. The petition shall include the following information:

- 1) A description of the business or activity of the petitioner, including its location and relevant pollution control equipment;
 - 2) The quantity and type of materials discharged from the process or activity for which the adjusted standard is requested;
 - 3) A copy of any correspondence between the petitioner and the Agency regarding the performance test(s) which form the basis of the adjusted standard request;
 - 4) A copy of the written report submitted to the Agency pursuant to subsection (g) above;
 - 5) A statement that the performance test(s) were conducted in accordance with the conditions and procedures accepted by the Agency pursuant to Section 212.110;
 - 6) A statement regarding the specific limitation requested; and
 - 7) A statement as to whether the Agency supports the requested adjusted standard.
- j) The Clerk shall give notice of the petition and shall schedule a hearing in accordance with 35 Ill. Adm. Code 103. The hearing shall be held in accordance with 35 Ill Adm. Code 103.
- k) In order to qualify for an adjusted standard the owner or operator must prove in an adjudicative hearing before the Board:
- 1) That the performance test(s) were conducted in accordance with the conditions and procedures accepted by the Agency pursuant to Section 212.110;
 - 2) That the emission source and associated air pollution control equipment were operated and maintained in a manner so as to minimize the opacity of the emissions during the performance test(s); and